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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Derek Quen Wong, an individual,  
10 Plaintiff,

No. CV-23-00234-TUC-EJM

11 v.

**ORDER**

12 White Rock Phlebotomy, LLC, an Arizona  
13 limited liability company; and Caroline  
14 Anne Lebiecki, an individual,

15 Defendants.

16 Currently pending before the Court is Plaintiff/Judgment Creditor Derek Quen  
17 Wong's Motion for Appearance at Judgment Debtor's Examination (Doc. 17). No  
18 response has been filed. The Court will grant Plaintiff's motion.  
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20 **I. FACTUAL AND PROCEDURAL BACKGROUND**

21 On February 13, 2024, the undersigned issued a Report and Recommendation (Doc.  
22 13) recommending the entry of default judgment against Defendants and awarding  
23 damages. On March 1, 2024, the Hon. Raner C. Collins issued an Order (Doc. 14) adopting  
24 the report and recommendation. On March 11, 2024, Default Judgment (Doc. 15) was  
25 entered in favor of Plaintiff/Judgment Creditor Derek Quen Wong and against 1)  
26 Defendant White Rock Phlebotomy in the amount of \$93,749.94 plus pre- and post-  
27 judgment interest; 2) Defendant/Judgment Debtor Caroline Anne Lebiecki in the amount  
28 of \$20,719.20 plus pre- and post-judgment interest; and 3) against both Defendants in the

1 amount of \$834.30 plus pre- and post-judgment interest.

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3 **II. DISCUSSION**

4 On March 15, 2024, Judgment Creditor filed a Motion for Appearance at Judgment  
5 Debtor Exam (Doc. 17). Judgment Creditor seeks a court order pursuant to Rule 69,  
6 Federal Rules of Civil Procedure, and Section 12-1631(A), Arizona Revised Statutes,  
7 requiring “Caroline Anne Lebiecki, in her individual capacity and in her capacity as a  
8 member of White Rock Phlebotomy LLC . . . to personally appear for an examination and  
9 give answers regarding Judgment Debtor’s assets and the documents set forth in the  
10 attached **Exhibit A**[.]” Mot. for Judgment Debtor Exam (Doc. 17) at 1 (emphasis in  
11 original).

12 Rule 69(a)(2) permits a Judgment Creditor to obtain discovery, and states: “In aid  
13 of the judgment or execution, the judgment creditor or a successor in interest whose interest  
14 appears of record may obtain discovery from any person—including the judgment debtor—  
15 as provided in these rules or by the procedure of the state where the court is located.”  
16 Section 12-1631(A), Arizona Revised Statutes provides that “[w]hen a judgment has been  
17 entered and docketed, the judgment creditor, at any time may . . . [h]ave an order from the  
18 court requiring the judgment debtor to appear and answer concerning his property before  
19 the court or a referee, at a time and place specified in the order.” A.R.S. § 12-1631(A)(1).  
20 “Courts in this district have construed Fed. R. Civ. P. 69 and A.R.S. § 12-1631 to authorize  
21 Plaintiffs to compel and obtain discovery from . . . a judgment debtor[ ] by a judgment-  
22 debtor examination.” *Zen-Noh Hay, Inc. v. Knight AG Sourcing LLC, et al.*, No. CV-20-  
23 00456-PHX-SPL, 2021 WL 9597884 (D. Ariz. Nov. 3, 2021) (alterations in original)  
24 (quotations omitted) (reviewing cases). Accordingly, the Court will grant  
25 Plaintiff/Judgment Creditor’s motion (Doc. 17).

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**EXHIBIT A**

**DEFINITIONS**

A. “Defendants” means Caroline Lebiecki and White Rock Phlebotomy, LLC.

B. “Judgment Debtors” means Caroline Lebiecki and White Rock Phlebotomy, LLC.

C. “You” means Defendants and Judgment Debtors Caroline Lebiecki and White Rock Phlebotomy, LLC.

**DOCUMENTS REQUESTED**

1. Copies of federal and state income tax returns for Defendants for the last two years immediately preceding the date of this Order;

2. Bank, credit union, other financial institution statements for all accounts belonging to or maintained by or on behalf of either Defendant in any depository wherever located for a period of two years immediately preceding the date of this Order;

3. Certificates and/or shares of stock and bonds owned or held by or for either Defendant within the last two years immediately preceding the date of this Order;

4. All contracts, agreements, promissory notes, certificates of deposit, negotiable instruments, pledge agreements and accounts receivable payable to, for the benefit of, or held in trust for either Defendant, whether or not the same be now due and/or payable, in effect or existence during any or all of the two years immediately preceding the date of this Order;

5. All assignments pertaining to any of the documents identified in Paragraph 4 above;

6. All deeds, contracts of sale, and/or title upon real property wherever situated, owned by (in whole or in part) and/or for you within two years immediately preceding the date of this Order;

7. All property assessment notices issued to you within two years preceding the date of this Order;

8. All actions filed or demands made by you in the two years preceding the date of

1 this Order for contract, tort, or other damage or anything in which you have an interest,  
2 including copies of all demand letters, pleadings, settlements, and/or judgments;

3 9. All documents evidencing any interest that you hold or have held in the past two  
4 years preceding the date of this Order in any business entity, including any partnership,  
5 limited partnership, limited liability company, or corporation;

6 10. All documents evidencing the financial condition of any business entity (except  
7 public corporations for which you are a shareholder) in which you hold or have held interest  
8 in the last two years preceding the date of this Order, including balance sheets, profit and  
9 loss statements, and other financial statements, income tax returns, and other financial  
10 records for the two years preceding the date of this Order;

11 11. All documents identifying any assets held by any business entity (except public  
12 corporations for which you are a shareholder) in which you hold or have held an interest  
13 in the two years preceding the date of this Order;

14 12. All documents evidencing any distribution to partners, members, or shareholders  
15 of any business entity (except public corporations for which you are a shareholder) in  
16 which you hold or have held an interest in the two years preceding the date of this Order;

17 13. All documents evidencing any liens, mortgages, charging orders, garnishments,  
18 levies, judgments, or other interests held by creditors against you or any business entity  
19 (except public corporations for which you are a shareholder) in which you hold or have  
20 held an interest in the two years preceding the date of this Order;

21 14. Key(s) to all safe-deposit boxes wherever situated, issued to or now held in trust  
22 for either Defendant;

23 15. Certificates of Title and/or bills of sale to automobiles and/or motor vehicles or  
24 watercraft (boats) and aircraft owned by (in whole or in part) or held in trust for either  
25 Defendant, within two years preceding the date of this Order;

26 16. All homeowner's and/or renter's insurance policies and all automobile,  
27 motorcycle, ATV, mobile home, trailer and/or other similar real or personal property  
28 insurance policies, including, without limitation, declaration pages and all schedules,

1 riders, and other attachments thereto, effective within the two years preceding the date of  
2 this Order;

3 17. All life, health, accident, and disability policies that you have held, paid for, or  
4 been named a beneficiary in and which have been in force at any time within the last two  
5 years preceding the date of this Order;

6 18. All Judgment Debtor's documents which evidence or relate to any pension,  
7 profit sharing, or retirement plan maintained by or for your benefit, including any transfers  
8 of any interests in any such plans, at any time within the two years preceding the date of  
9 this Order;

10 19. All W-2's, 1099's, pay stubs or other documents reflecting income, wages,  
11 salaries or bonuses received by you within the two years preceding the date of this Order,  
12 and all employment agreements.